



DEP-3 RB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

Michael B. McGraw et al.

Patent No.: RE39,359

Issued: October 17, 2006

For: PORTABLE MUSCLE STIMULATOR
WITH PULSE WIDTH CONTROL

Art Unit: 3762

Examiner: S. Getzow

Atty. Dkt. No.: 000309.00011

January 29, 2007

REQUEST FOR REFUND

Mail Stop 16
Commissioner of U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

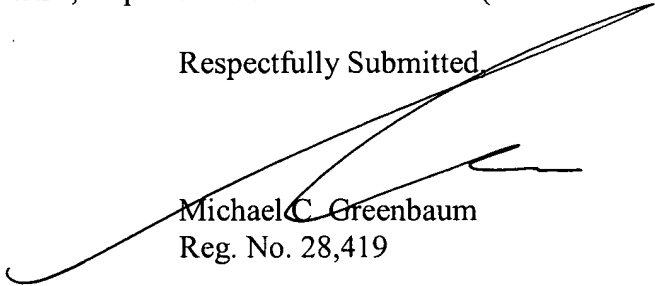
Sir:

The Patent Owner, through undersigned counsel, respectfully requests a refund of the amount of \$2,430.00 for the 7½-year maintenance fee (large entity) and surcharge. The Patent Owner respectfully submits that a refund is justified because the above-referenced maintenance fee in the above-identified patent was erroneously paid.

The above-identified reissue patent issued from a continuation of a reissue application that issued as RE 36,690. Therefore, under MPEP § 1415.01, no maintenance fee was ever due, and the payment of the maintenance fee was a mistake at the time.

Therefore, the Patent Owner respectfully submits that a refund of the fee for the maintenance fee and surcharge is justified and respectfully asks that the fee be refunded to the deposit account of Blank Rome LLP, Deposit Account No. 23-2185 (000309-00011).

Respectfully Submitted,


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